

**Crime Laboratory Commission Meeting  
Thursday July 10, 2014 @ 10:00 AM  
OFFICE OF THE ATTORNEY GENERAL  
3<sup>rd</sup> FLOOR CONFERENCE ROOM  
150 SOUTH MAIN STREET  
PROVIDENCE, RHODE ISLAND 02903**

**In attendance were Gerald J. Coyne, Deputy Attorney General, Rhode Island Department of Attorney General; Director Dennis Hilliard, Rhode Island State Crime Laboratory; Professor Paul Larrat, URI College of Pharmacy; Chief Joseph Tavares, RI Police Chiefs Association; Nancy Haley; Lieutenant Richard Altimari RISP; Robin Smith RI DOH;**

## **I. INTRODUCTION**

### **A. Welcome to Commission Members**

**Meeting was called to order by Gerald Coyne @10:10 AM.**

### **B. Approve Minutes of April 2, 2014**

**Mr. Coyne asked to approve the minutes of the January 8, 2014 meeting. Director Hilliard stated that there are a couple of changes on Page 4 of the document. In the first paragraph blood spatter pool needs to be changed to school. Other change in the last sentence fire scent to fire scene. A motion was made to approve the minutes with these changes by Nancy Haley and Chief Tavares**

**seconded the motion. Minutes were then approved as all were in favor. Meeting at this point was turned over to Director Hilliard.**

## **II. FUNDING**

### **A. Budget FY 2014**

#### **a. State Appropriation**

**Packets were distributed at the start of the meeting which contain information which will be discussed at this meeting. There is a spreadsheet for FY2014 . Fiscal year ended June 28, 2014. There was carryover from last year along with some savings in this year's account which amounts to a \$77,000.00 surplus. This could change either plus or minus depending on the encumbrances which are outstanding. Surplus is due to carryover from last year along with the fact that a full time position which was budgeted for was not filled until August 13, 2013 resulting in a month and a half savings. Also, the FY2013 Byrne grant was used to pay that salary while the employee was training on the NIBIN program resulting in a \$14,000.00 savings in salary and benefits. There were funds budgeted for a part time IT person with the College of Pharmacy, but this never developed resulting an \$8,000.00 savings. In August when the University closes out the account we will know exactly how much the surplus will be and this will be reported at the next meeting in October, 2014. Director Hilliard stated that it is his understanding any surplus will then be carried over to FY2015 fiscal year. Any questions on budget expenses? None**

**b. Instrumentation**

**i. GC/MS/RUVIS**

**This instrument has been put in place. The final cost was \$125,000.00, however the extended warranty contract on the instrument was not fully paid in FY2014 due to an accounting process the University instituted and therefore about \$24,000.00 remained in the FY2014 budget which is part of the surplus and will be carried over to next year. The cost of this will paid out over the next four years on a year-to-year basis. Even though it is part of the contract, The University would not pay the amount up front.**

**At the last meeting it was discussed that a new RUVIS light system for latent prints would be purchased as the old system is less sensitive than the newer instruments. Approximately \$32,000.00 was spent on the new system which provides more sensitivity and has a higher resolution than the older system. The system is in place and is being used on a regular basis.**

**ii. FTIR**

**Although funds for this were requested in the FY2014 budget, it was suggested that it be placed in the 2015 budget request. The recommended cost was \$140,000.00 but in the final version of the FY2015 budget only \$125,000.00 has been budgeted for this**

instrument. The trace analysts are looking at other lower cost options but may still recommend the instrument at a cost of \$140,000.00 and the difference could be managed with the carryover of surplus from FY2014. The request for purchase of this equipment will be done this month.

### **iii. AFIS Terminal**

At the last meeting there was a discussion on the issue of who would be responsible for the cost of a Service Contract on one of the two AFIS terminals in the Laboratory. After some discussion it was decided that RISCL would be responsible for the service contract, and the AG's office was able to negotiate a lower cost for the contract at a cost of \$2,700.00 for one year. A multiyear contract was not purchased as there may be upgrade of the RI AFIS system which would then include upgrading the two AFIS terminals at the Laboratory to be compatible with the updated system and software.

## **B. Budget FY 2015**

### **a. State Appropriation**

Included in the packets is the highlighted budget which shows the amount which has been allocated for FY2015 - \$1,035,888.00. There were two budget requests a minimum and maximum request which was \$1.054 million. The allocation was the lower budget request which you can see on the spreadsheets is allocated based on the expenses for 2014. This does not include any salary increases and if there are salary increases the monies would come from the rollover surplus. Professor Larrat asked if salary increases were approved how many years would they go back. Director Hilliard stated that he

really did not know. Professor Larrat then stated that faculty received raises which were retroactive three years at 2%. Discussion is below.

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#### **b. Professional Staff Salary Adjustment**

At previous meetings The Commission had been advised of the inequality of salaries of RISCL staff verses the laboratory personnel at RIDOH Forensic Laboratory. There was discussion of consolidations and that if consolidation were to happen the salaries would

need to be adjusted. One of the staff members in the Laboratory has gone to the NEA Union, which represents both professional staff members of the RI DOH Lab and the University of RI, requesting equalization of salaries. The Union then contacted URI HRA requesting a comparison of salary data, and at that point Director Hilliard stated that he was contacted by URI HR Department to discuss discrepancy in the salaries. University HR suggested to Director Hilliard to try to deal with the salary differences internally rather than through a Union grievance. A proposed solution would be

to provide each positron a one pay grade increase to equalize salaries at the RISCL with those at the DOH FSL. Director Hilliard asked that HRA provide him with the new salaries for each of the eight positions which would be affected. The difference in salaries including concurrent fringe benefits would cost approximately \$70,000.00, which is approximately a 10% increase. Director Hilliard stated that the only way to handle this in the budget would be to use the entire surplus or to request a midyear increase in allocations from the state budget office through the URI budget office. Director Hilliard then asked the Commission to support such an increase by a letter from the Commission to the URI Human Resource Administration and that if the money could be made available then the increases could be provided. Mr. Coyne then asked if there was any discussion from the Commission. Lt. Altimari then asked if all the personnel were at the same pay grade. Director Hilliard said no and explained that the positions are Criminalist I, II, and III. There is 1 Criminalist I, 6 Criminalist II, and 1 Criminalist III. Director Hilliard then further explained that within the structures of the pay grades there are steps, and unfortunately since the later 70's steps have not been enforced .The only increase has been a cost of living increase. HR at URI has suggested that the best way to address the issue is to take care of it internally by giving a grade increase. Director Hilliard then stated that if this could not be accomplished then the Staff still has the opportunity to file a grievance with the NEA and try to force something. Mr. Coyne, then stated to Director Hilliard that his understanding is that Director Hilliard would like the Commission to

make a recommendation hoping that the University would fund. Director Hilliard then stated that his recommendation would be for the Commission to write a letter of support for this action to upgrade the positions one pay grade. Professor Larrat then stated that having an outside Commission supporting this as this would give Director Hilliard more leverage. Mr. Coyne then asked if there were any further thoughts or concerns on this. Chief Tavares then stated that he thinks that this is totally unfair and it should be addressed. Lt. Altimari then stated that RISP face a similar problem with civilian staff especially since anyone can find out what salaries are on the computer. He further stated that the solution RISP has used is to try to change the pay grade. Mr. Coyne then stated that his concern was that if they tried to change individuals one at a time that it could take time and there would be animosity among the workers. Vote was then taken from the Commission to support the pay grade increases for all the RISCL workers. All were in favor. A

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letter will be drafted and sent in. Director Hilliard stated that once he receives the letter he will meet with the budget office at URI to ask for the funding.

## **C. OTHER SOURCES OF FUNDING**

### **a. Coverdell FY2013**

**This grant is split four ways in the State. RIDOH, RISP, RISCL, and the Medical Examiner. Each group receives \$13,092. This year the money was being spent on travel for the Staff to attend Conferences and training seminars. The money should be spent by the end of August of this year.**

### **b. Byrne FY2013**

**Spreadsheet shows that there was \$20,000.00 in Byrne grant money .There is one item left to be purchased a software program which costs approximately \$1,500.00 Total funds will be expended by the end of August.**

### **c. Byrne FY2014**

**The Laboratory will be receiving a City-side Byrne grant from the Law Enforcement Planning Committee (LEPC) totaling \$16,589.00. The amount requested was \$23,000.00, but because there were so many requests and the LEPC did not want to eliminate anyone and it was decided to give out a percentage. These funds are to be used for release time for the NIBIN position and which will lead to release time funds which may provide some funding within the Laboratory for extra expenses such as salary increases. This still needs to be approved by the Policy Board which will meet in September. Right now this money will not be awarded until that time. The LEPC already approved this but it needs to be approved by the Policy Board.**

### **d. Coverdell FY2014**

**A request has been made for funds. Total funds**



that will be received is dependent on the success of a competitive funding request by the Department of Health FSL. Robin Smith explained that a proposal was submitted and they will be notified sometime September or October as to if this competitive grant has been approved. If this was approved this may reduce the amount of money that will come to the State and is split three ways. The money becomes less every year, but if granted it will be used for travel to conferences by Laboratory Staff.

**e. Other Funding**

URI funds are still available. It was mentioned at the last meeting that the Rhode Island Criminalist Association had provided some funds which paid for a blood spatter school. The funds were also used to run a one-day seminar at AMICA for law enforcement which partnered with Christine Croker from the RI Police Accreditation Commission, DOH forensics and Medical Examiner. There were approximately 80 attendees and it was well received. Feedback was very complimentary. It was discussed that this is something which should be done every other year. Robin Smith said that there has been interest from RI AG's office to do one for the group. Mr. Coyne then stated that the attorneys have CLE's which are

required and are due the end of June. It would be in the best interest

of new attorneys in the office to have the understanding as to what happens to a sample once it gets to the forensic laboratory. Still awaiting word on the Google proposal. Nancy Haley asked how much the proposal was submitted for. Director Hilliard stated that he had submitted for \$1,000,000.00 in equipment, but that some of the equipment had already been purchased. Chief Tavares said that just before he retired he asked that the East Providence Police continue with his proposed spending plan. Mr. Coyne then explained that the internal office issues would be addressed first and there has been progress on that. Any questions on funding? None.

### **III: LABORATORY STATUS**

#### **A. Laboratory Progress Report**

##### **a. 1/1/2014-6/30/2014**

Included in the packet is a semiannual report which highlights January 1, 2014, thru June 30, 2014. There was a 10% decrease in casework coming into the Laboratory, and 8% decrease in exhibits being submitted. Most of the cases dropped were B&E, arson, and robbery cases, especially from Johnston, Cranston, and some of the secondary communities to Providence. There was no decrease in Providence, but an increase which was not significant. The report highlights which cases have shown an increase and where there has been a decrease. Laboratory personnel still give lectures- 21 to date seminars -27. Training programs were attended either online or at conferences. Most of the conferences have been paid for from the Coverdell fund. The Laboratory continues to work with the Rhode

Island International Association for Arson Investigators on a training program at the South Kingstown Fire Academy which entails volunteer firefighters putting out fires, Laboratory personnel doing crime scene work, and then arson investigators coming in after the fire to do investigation of the fire cause and origin. There were three interns this summer. One was from URI, one from University of Albany, and one from Boston University. The staff continues to hold appointments on national, regional, and local committees. The Criminal investigation course at URI is still offered. There were 32 graduates at the last class in April, 2014. A new class will start September 5, 2014 with 32 officers involved. Backlogs include firearms 405 which include about 90% NIBN requests as well and 160 cases which are just NIBIN requests only. At the last meeting it was mentioned that Karen Vallaro would get her training at the Connecticut state laboratory, which would have saved some funds, but unfortunately this did not happen because apparently Connecticut updated their system and they are using a different system from what Rhode Island is using; therefore she was sent to Maryland at a higher expense. Latent and trace backlogs are about 60 days. Any time a department brings a case down which is a priority turnaround time is two weeks.

#### **b. Reappointment of Staff Members**

According to the RI law, Crime Laboratory staff have limited period appointments at the University, even when the budget came to URI directly. Each year each member must be reappointed, and the Commission must approve. Director Hilliard recommended that the

eight staff members of the RISCL be reappointed. Nancy Haley made a motion to approve the reappointments and it was seconded by Lt. Altimari. All were in favor.

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**c. AFIS Connectivity/Searches.**

This was discussed at length at the last Commission meeting. Ed Downing was in attendance at the meeting and discussed the issue that he had when the FBI updated their software. At the last meeting it was decided to involve Deputy Coyne with the problem, which was done to some extent. There has been communication between the Laboratory and the FBI CJIS personnel, and unfortunately, there has been no resolution. Latent print personnel have done everything that was asked of them and permission was received from the RISP to provide a connection; the FBI has not approved/authorized that connection. Lt. Altimari, then stated that he had just had a conversation with Bill Guy and the correspondence with the FBI was on June 6, 2014, and he stated that unfortunately they have been stonewalled. He then explained that the lack of communication is not on the end of the Laboratory or RISP, but on the FBI end, and there is no explanation. Mr. Coyne then suggested reaching out to the field office in Boston as they have offered to help. Director Hilliard then stated that there seems to be a problem with the authorization for the

connection which is stopping it, and probably what they don't want to do is open up flood gates. The last piece of the puzzle is for the FBI to authorize the connection between the State Police and the Agency in West Virginia. Lt. Altimari then stated that he thinks that there may be a problem with the system which is in place - Cogent. As Cogent charges for services and the FBI does not. Mr. Coyne stated he would draft a letter to be approved and send off to the field office of the FBI in Boston. Lt. Altimari stated that Colonel O'Donnell could also get involved. Mr. Coyne stated that he would talk to Colonel O'Donnell.

#### **B. ISO/IEC Accreditation**

The Laboratory continues to maintain its accreditation status and will undergo an onsite inspection in April or May of 2015. The budget allocates \$8,000.00 for this purpose.

#### **C. Space Allocation**

There has been no further discussion concerning the proposed relocation to the facility in West Kingston. Director Hilliard stated that the faculty did not want to move. The next proposal was to put on an addition to that facility for \$4,000,000.00 and the University Budget Officer did not approve this. Right now this seems to be on hold. Director Hilliard then informed the Commission that he had a recent discussion with the new URI Public Safety Director Stephen Baker and in that discussion Director Baker stated that his department is in discussion with the University to build a new Public Safety Complex on campus and he asked if there was an interested in co-locating the

RISCL in that facility. He then later contacted Director Hilliard to let him know that he had discussed the idea with Christina Valentino, URI Vice President of Administration and Finance and she seemed to like the idea and would like to present this to the President. Director Hilliard then stated that he would like a letter from the Commission supporting this idea. Nancy Haley then asked how much weight the faculty had. Director Hilliard then stated that they do bring in revenue to the University. She then stated that she thought the University was going to add space onto that building. Directory Hilliard stated that was the

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original plan, but when the costs came in at \$4,000,000.00 the URI budget director would not approve. Director Hilliard then stated that it might be better to look at the Public Safety building but that it would probably be a five year project. . Nancy then asked where it would be located and Director Hilliard stated that it would probably be located across from The Ryan Center. A motion was made to write a letter from the Commission to the University in support of The Laboratory being part of the new Public Safety building.

#### **IV. OTHER BUSINESS**

##### **A. Federal Initiatives on Forensic Science**

There has been little or no progress on the Senator Leahy and

**Senator Rockefeller bills. The newly formed National Commission on Forensic Science held its second meeting in May and it was live streamed. The next meeting is scheduled in October, 2014, and will be held in DC and also will be live streamed. NIST has selected its members for the Forensic Science Standards Board, which is the first step in the creation of the Office of Scientific Area Committees which will replace the Scientific Working Groups with Scientific Area Committees. Their plan is to have all committee appointments filled by the end of this year. Director Hilliard explained that he had applied to be appointed as a member of the SAC which will replace SWFEX. They are looking at putting 600 individuals on the committees, and there will be funding for them.**

#### **B. Herbert Leon MacDonnell Files**

**As mentioned at the last Commission meeting, Dr. Herb McDonnell had offered to provide URI Library Special Collections with selected files from his career as a forensic science expert which would include cases of national interest. There was a problem with funding for shipping, cataloging, etc. Dr. MacDonnell had created a URI Foundation account which was an endowed account and this was converted to a spendable account, and from this account expenses for the collection would be paid. All parties agreed to the receipt of the collection and any expenses incurred in shipping and cataloging the collection would be paid from the URI Foundation account.**

**As there was no further business to discuss Deputy Attorney**

**General Gerald Coyle made a motion to adjourn with the members in favor; the meeting was adjourned at 10:50 PM.**

**Minutes taken and transcribed by:**

**Monica Nason, Department of Attorney General**